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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-338

11 **JACQUELYN SHEA**  
12 **7301 Shirley Avenue**  
13 **Reseda, CA 91335**  
14 **Registered Nursing License No. 563933**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

15 Respondent.

16  
17 **FINDINGS OF FACT**

18 1. On or about December 2, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs, filed Accusation No. 2012-338 against Jacquelyn Shea (Respondent) before  
21 the Board of Registered Nursing. (Accusation attached as Exhibit A.)

22 2. On or about February 18, 2000, the Board of Registered Nursing (Board) issued  
23 Registered Nursing License No. 563933 to Respondent. The Registered Nursing License expired  
24 on July 31, 2009, and has not been renewed.

25 3. On or about December 2, 2011, Respondent was served by Certified and First Class  
26 Mail copies of the Accusation No. 2012-338, Statement to Respondent, Notice of Defense,  
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
2 which was and is:

3 7301 Shirley Avenue  
4 Reseda, CA 91335.

5 4. On or about January 13, 2012, the aforementioned certified mail documents were  
6 returned by the U.S. Postal Service marked "Unclaimed."

7 5. Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
13 of the accusation not expressly admitted. Failure to file a notice of defense shall  
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
15 may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-  
18 338.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
23 respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 2012-338, finds  
that the charges and allegations in Accusation No. 2012-338, are separately and severally, found  
to be true and correct by clear and convincing evidence.

1       10. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$1,797.50 as of January 5, 2012.

4                                   DETERMINATION OF ISSUES

5       1. Based on the foregoing findings of fact, Respondent Jacquelyn Shea has subjected her  
6 Registered Nursing License No. 563933 to discipline.

7       2. The agency has jurisdiction to adjudicate this case by default.

8       3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
9 Nursing License based upon the following violations alleged in the Accusation which are  
10 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

11       a. Respondent is subject to disciplinary action under Business and Professions Code  
12 sections 490 and 2761, subdivision (a) and (f), in conjunction with California Code of  
13 Regulations, title 16, section 1444, in that on or about April 5, 2011, Respondent was convicted  
14 of the substantially related crime of exhibiting a firearm in the presence of an officer in violation  
15 of Penal Code section 417(c).

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1 ORDER

2 IT IS SO ORDERED that Registered Nursing License No. 563933, heretofore issued to  
3 Respondent Jacquelyn Shea, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
5 written motion requesting that the Decision be vacated and stating the grounds relied on within  
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on August 10, 2012.

9 It is so ORDERED July 12, 2012

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12 FOR THE BOARD OF REGISTERED NURSING  
13 DEPARTMENT OF CONSUMER AFFAIRS

14 51069220.DOC  
15 DOJ Matter ID: LA2011601094

16 Attachment:  
17 Exhibit A: Accusation  
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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
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2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
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Deputy Attorney General  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-338**

12 **JACQUELYN SHEA**  
13 **7301 Shirley Avenue**  
**Reseda, CA 91335**

**A C C U S A T I O N**

14 **Registered Nursing License No. 563933**

15 Respondent.  
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17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about February 18, 2000, the Board of Registered Nursing (Board) issued  
24 Registered Nursing License No. RN 563933 to Jacquelyn Shea (Respondent). The Registered  
25 Nursing License expired on July 31, 2009, and has not been renewed.

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1       7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
2 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
3 licensee or to render a decision imposing discipline on the license.

4       8. Section 2761 states:

5       "The board may take disciplinary action against a certified or licensed nurse or deny an  
6 application for a certificate or license for any of the following:

7       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

8       ...

9       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
10 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
11 conclusive evidence thereof."

12       9. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an  
13 expired license at any time within eight years after the expiration.

14                               **REGULATORY PROVISIONS**

15       10. California Code of Regulations, title 16, section 1444, states:

16       "A conviction or act shall be considered to be substantially related to the qualifications,  
17 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
18 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
19 safety, or welfare. . ."

20                               **COST RECOVERY**

21       11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

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**FIRST CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

12. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (a) and (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensed registered nurse, as follows:

a. On or about April 5, 2011, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 417(c) [exhibiting a firearm in the presence of an officer], in the criminal proceeding entitled *The People of the State of California v. Jacquelyn Shea* (Super. Ct. Los Angeles County, 2011, No. LA065699). The Court sentenced Respondent to 270 days in custody, which 135 days were served, ordered to complete The Hollywood and Vine Recovery Center Program and placed on 3 years formal probation with certain terms and conditions. The circumstances surrounding the conviction are that on or about July 27, 2010, Respondent was arrested by Los Angeles SWAT officers after confronting a victim with a semi-automatic handgun and barricading herself inside a house. During a search of the residence, a loaded gun was discovered.

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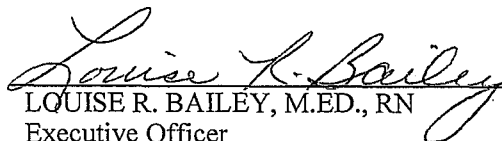
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nursing License No. RN 563933, issued to Jacquelyn Shea;
2. Ordering Jacquelyn Shea to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: December 02, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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